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Of Attorneys for Debtor in Possession"

UNITED STATES BANKRUPTCY COURT"
FOR THE DISTRICT OF OREGON"

In re:"

Carleton Farms,"

Debtor."

Case No. 18-61140-tmr11"

MOTION TO WITHDRAW APPLICATION"
FOR EMPLOYMENT OF ATTORNEYS"
FOR DEBTOR IN POSSESSION (The Law"
Offices of Keith Y. Boyd)"

Expedited Consideration Requested"

Come now Keith Y. Boyd and The Law Offices of Keith Y. Boyd and move the court for"
an order allowing the withdrawal of the Application for Employment of Attorneys for Debtor in"
Possession in this matter filed on April 12, 2018 as Document 3. Keith Y. Boyd and The Law"
Offices of Keith Y. Boyd request consideration of this motion on an expedited basis."

This motion is supported by the Declaration of Keith Y. Boyd attached hereto."

DATED this 19th day of April, 2018."

THE LAW OFFICES OF KEITH Y. BOYD"

By: /s/ Keith Y. Boyd
Keith Y. Boyd, OSB #760701"

MOTION TO WITHDRAW APPLICATION FOR EMPLOYMENT OF ATTORNEYS FOR"
DEBTOR IN POSSESSION (The Law Offices of Keith Y. Boyd) - **Page 1 of 1"**

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Of Attorneys for Debtor in Possession

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Carleton Farms,

Debtor.

Case No. 18-61140-tmr11

DECLARATION OF KEITH Y. BOYD IN
SUPPORT OF MOTION TO WITHDRAW
APPLICATION FOR EMPLOYMENT OF
ATTORNEYS FOR DEBTOR IN
POSSESSION (The Law Offices of Keith Y.
Boyd)

I, Keith Y. Boyd, under penalty of perjury state as follows:

1. I am an attorney duly admitted to practice in the state of Oregon and in this Court.

I am the principal of The Law Offices of Keith Y. Boyd (hereinafter Boyd).

2. I make this declaration in support of the Motion to Withdraw the Application of Boyd to be employed as the attorney for the Debtor in Possession, the Declaration of Keith Y. Boyd in Support, and the Rule 2014 Verified Statement all herein which were filed on April 12, 2018 as Document 3.

3. Boyd holds \$61,385.95 (\$60,325.95 as the attorney fee retainer, \$1,783 for costs) in its trust account of the funds received for its retainers.

4. Prior to filing this case, Boyd received three retainer payments which were deposited into Boyd's client trust account. The first was received on July 31, 2017 from Carleton Farms in the sum of \$10,000. All of the \$10,000 was applied to invoices prior to the filing of this case. The second retainer of \$50,000 was received on February 23, 2018 from C4

DECLARATION OF KEITH Y. BOYD IN SUPPORT OF MOTION TO WITHDRAW
APPLICATION FOR EMPLOYMENT OF ATTORNEYS FOR DEBTOR IN POSSESSION
(The Law Offices of Keith Y. Boyd) - **Page 1 of 3**

Land and Livestock LLC. The third retainer of \$25,000 was received on April 5, 2018 from C4 Land and Livestock LLC. Prior to filing this case, Boyd applied \$13,614.05 to invoices. That amount will be restored to the client trust account. If this case is dismissed, those funds will be turned over to the state court receiver of assets of the debtor. If this case is not dismissed, those funds will be turned over pursuant to an order of this court.

5. This case was filed on April 12, 2018. Today the debtor in possession will withdraw its motions to use cash collateral, for turnover of assets, and to continue utility services. The Receiver has filed a Motion to excuse turnover of assets. Umpqua Bank has filed a Motion to Dismiss. Hearings on the debtor in possession's motions is set for April 20, 2018 at 10:30 am. It was expected that the Receiver's Motion to excuse turnover would be heard at the same time. The court has not set a date for the Motion to Dismiss. The deadline to file missing documents is April 26, 2018. The 341(a) meeting of creditors is set for May 8, 2018. The first Rule 2015 Report is due May 21, 2018. The deadline to file Proofs of Claim is June 21, 2018. The Exclusivity Period expires August 10, 2018.

6. My firm is required to terminate representation of debtor by Rule 1.16(a)(1) of the Oregon Rules of Professional conduct as there exists a non-waivable conflict of interest. In the event the Court finds that withdrawal is not required under Rule 1.16(a)(1), withdrawal is permitted under Rule 1.16(b) for cause. However, I am bound by the attorney-client privilege not to disclose such cause in connection with this Declaration.

7. I have had extensive discussions with Jim Carleton, the managing partner of the debtor regarding the future of this case. The debtor consents to this motion to withdraw.

8. The debtor's address is P.O. Box 362, Merrill, Oregon 97633. Jim Carleton's phone number is 541-891-9424 and his email address is jim@carletonfarms.ag.

DECLARATION OF KEITH Y. BOYD IN SUPPORT OF MOTION TO WITHDRAW
APPLICATION FOR EMPLOYMENT OF ATTORNEYS FOR DEBTOR IN POSSESSION
(The Law Offices of Keith Y. Boyd) - **Page 2 of 3**

9. Boyd will waive all fees incurred in connection with the preparation and filing of this case. The amounts set forth in paragraph 4 above that will be restored to the retainer in trust represents the amount billed for services directly related to the filing of this case. Fees and costs paid prior to that were billed and paid prior to the decision to file this case and will be retained.

10. A copy of the proposed Order Allowing Withdrawal of the Law Offices of Keith Y. Boyd as Counsel of Record for Debtor is attached as Exhibit 1.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA.

Executed this 19th day of April, 2018.

/s/ Keith Y. Boyd
Keith Y. Boyd, OSB #760701

DECLARATION OF KEITH Y. BOYD IN SUPPORT OF MOTION TO WITHDRAW
APPLICATION FOR EMPLOYMENT OF ATTORNEYS FOR DEBTOR IN POSSESSION
(The Law Offices of Keith Y. Boyd) - **Page 3 of 3**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Carleton Farms,

Debtor.

Case No. 18-61140-tmr11

ORDER ALLOWING WITHDRAWAL OF
THE LAW OFFICES OF KEITH Y. BOYD
AS COUNSEL OF RECORD FOR DEBTOR

THIS MATTER came before the court upon the Motion to Withdraw Application for Employment of Attorneys for Debtor in Possession (The Law Offices of Keith Y. Boyd) (herein “Boyd”) [Dkt No. ____]. The court having held a hearing on _____ and heard representations of counsel, having reviewed the file, the motion, the declaration of Keith Y. Boyd accompanying said motion, and the court now being fully advised,

IT IS HEREBY ORDERED that the Motion of Boyd to withdraw as counsel for Debtor is granted and Boyd shall be removed as counsel of record for Debtor herein.

ORDER ALLOWING WITHDRAWAL OF THE LAW OFFICES OF KEITH Y. BOYD AS
COUNSEL OF RECORD FOR DEBTOR - **Page 1 of 2**

IT IS FURTHER ORDERED that the retainer in possession of Boyd will be addressed in a further order of the Court.

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Proponent has provided notice as required by LBR 9021-1 and received no objections during the applicable circulation period which has now expired.

THE LAW OFFICES OF KEITH Y. BOYD

By: /s/
Keith Y. Boyd, OSB #760701
keith@boydlegal.net
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Telephone: 541-973-2422
Facsimile: 541-973-2426
Of Attorneys for Debtors in Possession

cc:

via Manual Service:

ORDER ALLOWING WITHDRAWAL OF THE LAW OFFICES OF KEITH Y. BOYD AS
COUNSEL OF RECORD FOR DEBTOR - **Page 2 of 2**

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2018, I served the following WITHDRAWAL OF DOCUMENTS by depositing in the United States mail at Springfield, Oregon full and complete copies thereof, by first class mail, postage prepaid, or email transmission where indicated, addressed to the following:

Carleton Farms (via email also)
PO Box 462
Tulelake CA 96134

I hereby certify that on April 19, 2018, I determined from the United States Bankruptcy Court electronic case filing system that the following parties will be served electronically via ECF:

KEITH Y BOYD ecf@boydlegal.net, arnold@boydlegal.net
BRADLEY S COPELAND bcopeland@agsprp.com, bdavis@agsprp.com
DAVID B GRAY david@davegraylaw.com, dgrayattorney@gmail.com
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PATRICK W WADE hhecfb@hershnerhunter.com

THE LAW OFFICES OF KEITH Y. BOYD

By: /s/ Melissa A. Arnold
 Melissa A. Arnold, ACP
 Paralegal